

108TH CONGRESS
1ST SESSION

S. 323

To establish the Atchafalaya National Heritage Area, Louisiana.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2003

Ms. LANDRIEU (for herself and Mr. BREAU) introduced the following bill;
which was read twice and referred to the Committee on Energy and Na-
tional Resources

A BILL

To establish the Atchafalaya National Heritage Area,
Louisiana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Atchafalaya National
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Atchafalaya Basin area of Louisiana,
9 designated by the Louisiana Legislature as the
10 “Atchafalaya Trace State Heritage Area” and con-

1 sisting of the area described in section 5(b), is an
2 area in which natural, scenic, cultural, and historic
3 resources form a cohesive and nationally distinctive
4 landscape arising from patterns of human activity
5 shaped by geography;

6 (2) the significance of the area is enhanced by
7 the continued use of the area by people whose tradi-
8 tions have helped shape the landscape;

9 (3) there is a national interest in protecting,
10 conserving, restoring, promoting, and interpreting
11 the benefits of the area for the residents of, and visi-
12 tors to, the area;

13 (4) the area represents an assemblage of rich
14 and varied resources forming a unique aspect of the
15 heritage of the United States;

16 (5) the area reflects a complex mixture of peo-
17 ple and their origins, traditions, customs, beliefs,
18 and folkways of interest to the public;

19 (6) the land and water of the area offer out-
20 standing recreational opportunities, educational ex-
21 periences, and potential for interpretation and sci-
22 entific research; and

23 (7) local governments of the area support the
24 establishment of a national heritage area.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to protect, preserve, conserve, restore, pro-
 4 mote, and interpret the significant resource values
 5 and functions of the Atchafalaya Basin area and ad-
 6 vance sustainable economic development of the area;

7 (2) to foster a close working relationship with
 8 all levels of government, the private sector, and the
 9 local communities in the area so as to enable those
 10 communities to conserve their heritage while con-
 11 tinuing to pursue economic opportunities; and

12 (3) to establish, in partnership with the State,
 13 local communities, preservation organizations, pri-
 14 vate corporations, and landowners in the Heritage
 15 Area, the Atchafalaya Trace State Heritage Area, as
 16 designated by the Louisiana Legislature, as the
 17 Atchafalaya National Heritage Area.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) **HERITAGE AREA.**—The term “Heritage
 21 Area” means the Atchafalaya National Heritage
 22 Area established by section 5(a).

23 (2) **LOCAL COORDINATING ENTITY.**—The term
 24 “local coordinating entity” means the local coordi-
 25 nating entity for the Heritage Area designated by
 26 section 5(c).

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Heritage Area developed under section 7.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (5) STATE.—The term “State” means the State
7 of Louisiana.

8 **SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.**

9 (a) ESTABLISHMENT.—There is established in the
10 State the Atchafalaya National Heritage Area.

11 (b) BOUNDARIES.—The Heritage Area shall consist
12 of the whole of the following parishes in the State: St.
13 Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe
14 Coupee, Iberville, Assumption, Terrebonne, Lafayette,
15 West Baton Rouge, Concordia, and East Baton Rouge.

16 (c) LOCAL COORDINATING ENTITY.—

17 (1) IN GENERAL.—The Atchafalaya Trace
18 Commission shall be the local coordinating entity for
19 the Heritage Area.

20 (2) COMPOSITION.—The local coordinating enti-
21 ty shall be composed of 13 members appointed by
22 the governing authority of each parish within the
23 Heritage Area.

1 **SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**
2 **NATING ENTITY.**

3 (a) **AUTHORITIES.**—For the purposes of developing
4 and implementing the management plan and otherwise
5 carrying out this Act, the local coordinating entity may—

6 (1) make grants to, and enter into cooperative
7 agreements with, the State, units of local govern-
8 ment, and private organizations;

9 (2) hire and compensate staff; and

10 (3) enter into contracts for goods and services.

11 (b) **DUTIES.**—The local coordinating entity shall—

12 (1) submit to the Secretary for approval a man-
13 agement plan;

14 (2) implement the management plan, including
15 providing assistance to units of government and oth-
16 ers in—

17 (A) carrying out programs that recognize
18 important resource values within the Heritage
19 Area;

20 (B) encouraging sustainable economic de-
21 velopment within the Heritage Area;

22 (C) establishing and maintaining interpre-
23 tive sites within the Heritage Area; and

24 (D) increasing public awareness of, and
25 appreciation for the natural, historic, and cul-
26 tural resources of, the Heritage Area;

1 (3) adopt bylaws governing the conduct of the
2 local coordinating entity; and

3 (4) for any year for which Federal funds are re-
4 ceived under this Act, submit to the Secretary a re-
5 port that describes, for the year—

6 (A) the accomplishments of the local co-
7 ordinating entity; and

8 (B) the expenses and income of the local
9 coordinating entity.

10 (c) ACQUISITION OF REAL PROPERTY.—The local co-
11 ordinating entity shall not use Federal funds received
12 under this Act to acquire real property or an interest in
13 real property.

14 (d) PUBLIC MEETINGS.—The local coordinating enti-
15 ty shall conduct public meetings at least quarterly.

16 **SEC. 7. MANAGEMENT PLAN.**

17 (a) IN GENERAL.—The local coordinating entity shall
18 develop a management plan for the Heritage Area that
19 incorporates an integrated and cooperative approach to
20 protect, interpret, and enhance the natural, scenic, cul-
21 tural, historic, and recreational resources of the Heritage
22 Area.

23 (b) CONSIDERATION OF OTHER PLANS AND AC-
24 TIONS.—In developing the management plan, the local co-
25 ordinating entity shall—

1 (1) take into consideration State and local
2 plans; and

3 (2) invite the participation of residents, public
4 agencies, and private organizations in the Heritage
5 Area.

6 (c) CONTENTS.—The management plan shall in-
7 clude—

8 (1) an inventory of the resources in the Herit-
9 age Area, including—

10 (A) a list of property in the Heritage Area
11 that—

12 (i) relates to the purposes of the Her-
13 itage Area; and

14 (ii) should be preserved, restored,
15 managed, or maintained because of the sig-
16 nificance of the property; and

17 (B) an assessment of cultural landscapes
18 within the Heritage Area;

19 (2) provisions for the protection, interpretation,
20 and enjoyment of the resources of the Heritage Area
21 consistent with this Act;

22 (3) an interpretation plan for the Heritage
23 Area; and

24 (4) a program for implementation of the man-
25 agement plan that includes—

1 (A) actions to be carried out by units of
 2 government, private organizations, and public-
 3 private partnerships to protect the resources of
 4 the Heritage Area; and

5 (B) the identification of existing and po-
 6 tential sources of funding for implementing the
 7 plan.

8 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

9 (1) IN GENERAL.—Not later than 3 years after
 10 the date of enactment of this Act, the local coordi-
 11 nating entity shall submit the management plan to
 12 the Secretary for approval.

13 (2) EFFECT OF FAILURE TO SUBMIT.—If a
 14 management plan is not submitted to the Secretary
 15 by the date specified in paragraph (1), the Secretary
 16 shall not provide any additional funding under this
 17 Act until a management plan for the Heritage Area
 18 is submitted to the Secretary.

19 (e) APPROVAL.—

20 (1) IN GENERAL.—Not later than 90 days after
 21 receiving the management plan submitted under
 22 subsection (d)(1), the Secretary, in consultation with
 23 the State, shall approve or disapprove the manage-
 24 ment plan.

25 (2) ACTION FOLLOWING DISAPPROVAL.—

1 (A) IN GENERAL.—If the Secretary dis-
2 approves a management plan under paragraph
3 (1), the Secretary shall—

4 (i) advise the local coordinating entity
5 in writing of the reasons for the dis-
6 approval;

7 (ii) make recommendations for revi-
8 sions to the management plan; and

9 (iii) allow the local coordinating entity
10 to submit to the Secretary revisions to the
11 management plan.

12 (B) DEADLINE FOR APPROVAL OF REVI-
13 SION.—Not later than 90 days after the date on
14 which a revision is submitted under subpara-
15 graph (A)(iii), the Secretary shall approve or
16 disapprove the revision.

17 (f) REVISION.—

18 (1) IN GENERAL.—After approval by the Sec-
19 retary of a management plan, the local coordinating
20 entity shall periodically—

21 (A) review the management plan; and

22 (B) submit to the Secretary, for review
23 and approval by the Secretary, the rec-
24 ommendations of the local coordinating entity
25 for any revisions to the management plan that

1 the local coordinating entity considers to be ap-
2 propriate.

3 (2) EXPENDITURE OF FUNDS.—No funds made
4 available under this Act shall be used to implement
5 any revision proposed by the local coordinating enti-
6 ty under paragraph (1)(B) until the Secretary ap-
7 proves the revision.

8 **SEC. 8. EFFECT OF ACT.**

9 Nothing in this Act or in establishment of the Herit-
10 age Area—

11 (1) grants any Federal agency regulatory au-
12 thority over any interest in the Heritage Area, un-
13 less cooperatively agreed on by all involved parties;

14 (2) modifies, enlarges, or diminishes any au-
15 thority of the Federal Government or a State or
16 local government to regulate any use of land as pro-
17 vided for by law (including regulations) in existence
18 on the date of enactment of this Act;

19 (3) grants any power of zoning or land use to
20 the local coordinating entity;

21 (4) imposes any environmental, occupational,
22 safety, or other rule, standard, or permitting process
23 that is different from those in effect on the date of
24 enactment of this Act that would be applicable had
25 the Heritage Area not been established;

1 (5)(A) imposes any change in Federal environ-
2 mental quality standards; or

3 (B) authorizes designation of any portion of the
4 Heritage Area that is subject to part C of title I of
5 the Clean Air Act (42 U.S.C. 7470 et seq.) as class
6 1 for the purposes of that part solely by reason of
7 the establishment of the Heritage Area;

8 (6) authorizes any Federal or State agency to
9 impose more restrictive water use designations, or
10 water quality standards on uses of or discharges to,
11 waters of the United States or waters of the State
12 within or adjacent to the Heritage Area solely by
13 reason of the establishment of the Heritage Area;

14 (7) abridges, restricts, or alters any applicable
15 rule, standard, or review procedure for permitting of
16 facilities within or adjacent to the Heritage Area; or

17 (8) affects the continuing use and operation,
18 where located on the date of enactment of this Act,
19 of any public utility or common carrier.

20 **SEC. 9. REPORTS.**

21 For any year in which Federal funds have been made
22 available under this Act, the local coordinating entity shall
23 submit to the Secretary a report that describes—

24 (1) the accomplishments of the local coordi-
25 nating entity; and

1 (2) the expenses and income of the local coordi-
2 nating entity.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this Act \$10,000,000, of which not more than \$1,000,000
6 shall be made available for any fiscal year.

7 **SEC. 11. TERMINATION OF AUTHORITY.**

8 The Secretary shall not provide any assistance under
9 this Act after September 30, 2017.

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